

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MACLAREN EUROPE LIMITED,

Plaintiff,

-against-

ACE AMERICAN INSURANCE COMPANY,
a/k/a ACE USA,

Defendant.

Index No.: 11-cv-4688 (HB)

**DEFENDANTS NOTICE OF
MOTION FOR SUMMARY
JUDGMENT**

PLEASE TAKE NOTICE that, upon the Declaration of J. Gregory Lahr, Esq. dated June 13, 2012, and the exhibits annexed thereto, the Declaration of Patricia S. Thompson dated June 13, 2012, and the exhibits annexed thereto, the Declaration of William P. DeVito, Esq. dated June 13, 2012, and the exhibits annexed thereto, the Declaration of Roberta Napolitano dated June 13, 2012, and the exhibit annexed thereto, Defendant's Local Rule 56.1 Statement, and the accompanying Memorandum of Law In Support of Defendant's Motion for Summary Judgment, and upon all pleadings and prior proceedings heretofore had herein, Defendant ACE American Insurance Company (incorrectly sued herein as "ACE American Insurance Company, a/k/a ACE USA") ("ACE"), by its attorneys, Sedgwick LLP, will move this Court at 500 Pearl Street, New York, New York 10007, on the 29th day of June, 2012, or as soon thereafter as counsel may be heard, for an Order pursuant to Rule 56: (a) dismissing with prejudice Plaintiff's Complaint in its entirety; (b) declaring that the Subject Policy was validly cancelled with effect from July 10, 2006; and (c) awarding such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that ACE relies upon English law as set forth in the accompanying Memorandum of Law in Support of Motion for Summary Judgment.

Dated: New York, New York
June 13, 2012

SEDGWICK LLP

/s/ J. Gregory Lahr

Joseph K. Powers (JP5504)
J. Gregory Lahr (JL9969)
Thomas R. Orofino (TO6171)
125 Broad Street, 39th Floor
New York, NY 10004-2400
Telephone: (212) 422-0202
Facsimile: (212) 422-0925

Attorneys for Defendant
ACE AMERICAN INSURANCE COMPANY

To: Paul S. Hugel, Esq.
CLAYMAN & ROSENBERG LLP
Attorneys for Plaintiff
Maclaren Europe Limited
305 Madison Avenue – Suite 1301
New York, New York 10165
Telephone: (212) 922-1080
Facsimile: (212) 949-8255